

REMARKS

Claims 128, 143, 147, 161, 165, 174, 178, 179 and 183 have been amended. Claims 150-151 have been newly cancelled. No new matter has been added; support therefor can be found throughout the specification and original claims.

Claims 128, 147, 165 and 183 are rejected under 35 U.S.C. 112, 2nd paragraph. Grounds for the rejection are asserted at page 2 of the Office Action.

The rejection is traversed.

It is respectfully submitted that the metes and bounds of the claims are amply clear when read in view of the supporting specification. With reference to independent method claim 128, for example, that claim refers to a multiple-sectioned unitary package comprising a plurality of package sections wherein two or more package sections contain two or more distinct edible feed materials that have been selected for the specified dog. The two or more feed materials are chosen from feed, vitamins, minerals, electrolytes, proteins and herbs. Thus, the feed materials are distinct from one another and are contained in the customized package sections for the specified dog.

The method of claim 147 refers to a multiple-sectioned unitary package comprising a plurality of package sections wherein each package section contains a distinct edible feed. Once again, the feed is chosen from feed, vitamins, minerals, electrolytes, proteins, and herbs. The skilled artisan will appreciate that the needs of each specified dog may differ and the present methods permit a custom approach to each dog's nutrition and well-being.

The method of claim 165 also refers to a multiple-sectioned package comprising a plurality of package sections. However, the claim recites that each package section contains one or more edible feed materials chosen from among two or more of feed,

vitamins, minerals, electrolytes, proteins, and herbs, and wherein one or more of the feed materials have been previously selected for the specified dog.

The method of claim 183 is similar but contains the added limitation that the feed materials also comprise glucosamine HCl, glucosamine sulfate, or chondroitin sulfate.

Moreover, to address various issues raised in connection with the rejection under 35 USC, 112, 2nd paragraph, claims 150-151 have been cancelled and several claims have been amended for added clarity. In view thereof, reconsideration and withdrawal of the rejection are requested.

The following rejections are summarized and discussed in combination.

Claims 128, 130, 132, 135-145, 147, 149-151, 154-163, 165, 168-175, 178 and 179 are rejected under 35 USC 103(a) over GB1474931 in view of Merck '67.

Claims 128, 130, 132, 135-145, 147, 149-151, 154-163, 165, 168-175, 178 and 179 are rejected under 35 USC 103(a) over GB1474931 in view of Merck '67 and in view of Matsoura (EP 0609056).

Claims 128, 130-132, 135-144, 147, 149-151, 154-162, 165, 168-175, 178 and 179 are rejected under 35 USC 102(b) as anticipated by, or in the alternative, under 35 USC 103(a) as obvious over GB1474931 in view of Merck '67.

Claims 128, 145, 146, 147, 163, 164, 165, 176 and 177 are rejected under 35 USC 103(a) over GB1474931 in view of Magnant (US 5787839) and Pedigree as a teaching reference and further in view of Merck '67.

Claims 128, 130, 132, 135-147, 149-151, 154-165 and 168-183 are rejected under 35 USC 103(a) over GB1474931 in view of Yamamoto (JP 10014501) and Matsoura (JP 0609056) in view of Derrieu (US 6599888).

Each of the rejections is traversed.

All the pending claims are method claims that call for administration to a *specified dog* and the recited feed materials have been selected for *the specified dog*.

The cited documents, whether considered alone or in combination, clearly do not teach the methods recited in independent claims 128, 147, 165 and 183.

Among other things, the customized packaging and administration for a specified dog as Applicant claims is nowhere taught or suggested in the cited documents.

In accordance with Applicant's invention, a suitable combination of distinct feed materials can be administered to the specified dog. Such methods are not taught or suggested by the art cited.

GB-1474931 does not teach or otherwise suggest "adding to two or more package sections two or more distinct edible feed materials ***that have been selected for the specified dog***" as recited in Applicant's claims.

Matsoura fails to remedy the deficiencies of GB-1474931. Matsura merely reports a certain prescription composition. That composition is not selected for a particular dog. Use of a multiple-section package also is not described in the Matsura document.

Moreover, of record is the Rule 132 Declaration of co-inventor Paal Gisholt, which details the significant commercial success provided by the claimed subject matters. The Rule 132 Declaration further rebuts any case of *prima facie* obviousness contended.

Derrieu is added for its teaching relative to administration of chondroitin sulfate and glucosamine. Yamamoto is relied on for teaching a feeding system for cats. Magnant relates to a portable pet food and water container distinct from the customized packaging sections of the present invention whereby distinct feed materials can be administered to the specified dog. Given the deficiencies of the primary references, these various documents are insufficient to sustain the rejections.

In view thereof, reconsideration and withdrawal of the rejections are requested. See *In re Marshall*, 198 USPQ 344, 346 (CCPA 1978) ("[r]ejections under 35 U.S.C. §102 are proper only when the claimed subject matter is identically disclosed or described in the prior art."). See also Manual of Patent Examining Procedure §2143.03 ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

PETITION FOR EXTENSION AND FEE AUTHORIZATION

Applicant requests a three month extension of time to file the within response. The Commissioner is authorized to charge the extension fee and any other fee required for this response to our Deposit Account, No. 04-1105, Reference 49339 (45195). Any overpayments should be credited to said Deposit Account.

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Respectfully submitted,

Electronic signature: /Christine C. O'Day/

Christine C. O'Day

Registration No.: 38,256

Peter F. Corless

Registration No.: 33,860

EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 517-5557

Attorneys/Agents For Applicant